

## **Exhibit I**

**Karen Sherman**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

SUZZANNE ANDERSON, et al.,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

AFFIDAVIT OF  
KAREN SHERMAN

20-CV-00354 (GBD)(SN)

STATE OF NEW YORK )  
: SS.:  
COUNTY OF WESTCHESTER)

KAREN SHERMAN, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 199 Brewster Road, Scarsdale, New York 10583.

2. I am currently 79 years old, having been born on December 12, 1942.

3. I am the wife of Howard Bernard Sherman, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My husband died from lung cancer on February 20, 2015. It was medically determined that his illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks.

5. Howard and I were extremely close. We met through a friend that he knew from his law school who introduced us. And within about eight months, we got married. Howard was very involved in my life and was always a wonderful husband. Over the course of our marriage, we enjoyed traveling into the city to go to the theatre, the opera, and visiting art galleries. In

addition to traveling, visiting museums, and enjoying life, we raised three girls together. Howard was a great dad, very devoted to our daughters. As a father, he did anything that needed to be done. He was the perfect guy. While art was one of our many shared interests, it was always my passion. I was an art major, and we would see museum exhibitions together all the time. Remarkably, Howard took this interest to another level and actually went back to school to study for his master's degree in Art History. While he worked as an attorney, practicing in personal injury/medical malpractice, he would attend classes at Hunter in the evening so that we could have equal masters' degrees.

6. On September 11, 2001, my husband and I were returning from a trip to Italy. Over the intercom on the plane, the pilot said that we are forced to make an emergency landing in Canada. I told Howard that something didn't feel right because the plane made an unusually fast descent. Upon landing, the pilot explained that the flight was ordered by the FAA to land in Newfoundland because the United States had been attacked by terrorists. Certainly, this was a frightening experience, as our children didn't know where we were, and it was impossible to get calls through. During our unplanned visit to Canada, we ended up sleeping on the floor of a Pentecostal church for almost a week. Finally, when the airline announced that our flight returning to New York would be connecting through their hub in Atlanta, I spoke with the pilot and explained that they can't do that because my husband and I needed to return home to observe the high holidays. In a remarkable showing of compassion, the flight plan was adjusted to go straight to New York. When we returned home, it was a relief to see our daughters, who cooked us dinner so we could celebrate as a family. After the holidays, my husband resumed work in his law practice, which was located in the Woolworth Building at 233 Broadway, just a few blocks from where the Twin Towers once stood. Howard continued to work in the same location for several more years. Over the years, we learned of other individuals who worked in the same building who developed the same cancer, including Howard's partner and my friend's husband, who both died of lung cancer.

7. For most of Howard's career, he was very strong and healthy and would exercise regularly. He was in good shape and enjoyed an active lifestyle, which included running and playing golf. Howard even ran three or four marathons. Howard would commute to work on the

train and never had any problems. All of this changed after 9/11. Within a few short years after 9/11, Howard complained that his back hurt. Aside from that, he didn't have much other symptoms. My son-in-law, a doctor, recommended he see a physiotherapist. When the back pain didn't improve, we took Howard to have a CAT scan. Upon seeing something concerning, around December 2013, the doctors ordered a PET scan, which revealed the cancer. This was quite surprising to us at the time because I had just taken Howard in for a checkup, which even included an X-Ray, and were told everything was clear. It seemed so quick after the diagnosis that Howard's cancer had spread all over the place, including to his brain. By the time my husband's cancer actually was detected, it was too forgone, and surgery was impossible. We began to treat my husband's cancer at Sloan Kettering, where he received chemotherapy and radiation for the cancer detected in his brain. Soon afterward, we became aware of a new immunotherapy treatment for lung cancer. Sloan Kettering explained that the drug was so new that they didn't have it. Although we obtained some doses, Howard was able to receive only two doses of the drug, and it didn't work. From there, I had Howard stay at home with me as his condition worsened and provided hospice care in the home. At that point, he never left our bedroom. It was only about 14 months from the time Howard was diagnosed until he passed away.

8. The pain from the loss of my husband is incalculable. My children were very close to him and, because he was such an involved father, it affected all of us deeply. When Howard was battling cancer, it was torturous because my girls and I loved him so desperately. The shock of it all was extremely hard to deal with. We were so surprised by Howard's illness because he took such good care of himself and was always more active than I was. The running joke was that I would ask our daughters to take care of daddy because I always believed Howard would survive me. Thankfully, we knew good doctors and Howard received excellent medical care at Sloan Kettering. Howard was a strong person emotionally but started to show that he was frightened. Toward the end of his life, he said to me, "I think I'm going the other way." I tried to get him to think positively and support him as much as possible, and even had him speak with a therapist a few times. Ultimately, this was a draining experience for both of us.

9. Losing Howard was devastating for me and my family. My partner was gone, and I knew our daughters' lives would never quite be the same again. This also created stress and difficulty for me in managing taxes and other financial matters, as my husband generally would take care of such things. While my brother would try to help me, he was also preoccupied with taking care of my mother's affairs. It was a very painful and stressful time for me. I think about my husband all the time and miss him every day.

Karen Sherman  
KAREN SHERMAN

Sworn to before me this  
12 day of July, 2022

9  
Notary Public

JOSEPH ARCHINA  
Notary Public, State of New York  
No. 01AR6034577  
Qualified in Westchester County  
Exp. Date: 12/13/2025

**Robin Sherman**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
SUZZANNE ANDERSON, et al.,

**AFFIDAVIT OF**  
**ROBIN SHERMAN**

Plaintiffs,

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF NEW YORK     )  
                                      : SS.:  
COUNTY OF NEW YORK    )

ROBIN SHERMAN, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 30 West 60<sup>th</sup> Street, New York, New York 10023.

2. I am currently 51 years old, having been born on December 13, 1970.

3. I am the daughter of Howard Bernard Sherman, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My father died from lung cancer on February 20, 2015. It was medically determined that his illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks.

5. We are all a very close family, and I was really close to my father. My father was exceptionally smart, and I relied on him for career guidance and for advice on other big decisions throughout my adult life. Looking back, I feel that my dad was a very caring father and always worked hard to keep the connections between my sisters and me strong. As a result, we were in each other's lives a lot and saw each other on a regular basis. My father and I both enjoyed professional sports and shared a love of Yankees baseball. My dad and I used to go the games

together all the time, which was nice sharing something that was just for the two of us. I haven't been back to Yankee Stadium since my dad died. Since my dog would live at my parents' house most of the time, my dad really liked to take care of him, and we would frequently go out together to walk the dog. In addition to the moments that were just between my dad and me, he was also instrumental in coordinating occasions for the family to be together, which included everything from family dinners to trips to Jamaica. Being single, my parents' presence in my life is especially important. While I still spend a lot of time with my mom, I very much miss my dad being there for me.

6. My father worked as an attorney in the Woolworth building, which is located only a few blocks from where the twin towers once stood. On September 11, 2001, my parents were flying back from Europe, and their flight was diverted to Canada, where they were stranded for several days. It was probably only a few more days after their return to New York that my dad went back into his office. From that point until the time he retired, my dad continued to commute into the city and work in the same office. While the public was advised, wrongly, that it was safe to return to the area and my father was told that the building had been cleaned, the reality is the books and files in his office were coated in the dust from the towers. Moreover, it's not realistic to actually remove all the debris and dust from the filters in the building, let alone the air in the surrounding community, in such a short period. Since my dad continued to work in the office for so many more years, his exposure was quite significant. Even working in Midtown at the time, the air in the city was noticeably more acrid so there's no question that my dad's office, merely a few blocks from Ground Zero, was even worse.

7. Around late 2013, my dad started to complain about severe back pain. Initially, I don't think he thought too much of it, or if he did, he didn't let us know that. Looking back, this didn't surprise me because dad usually didn't think of the worst-case scenario; he wasn't a fatalist. Compared to my dad, I tend to worry much more about things. Around February of 2014, I had to travel overseas for work, and my dad had just been diagnosed, following a PET scan, a few weeks earlier. For my dad, even though the initial complaints were more tied in with back pain rather than respiratory issues, his back issues led to him being scanned, which led to the diagnosis. The doctors nearly considered surgery to fuse his back because the cancer had metastasized to his spine. Apparently, my dad had broken bones in his spine, which is where

they ultimately determined his pain originated. Rather than the surgery, they put my dad on some medication. While he started to feel better at first, ultimately, he did need spinal surgery, which involved putting cement in his vertebrae to relieve the pressure. Shortly after the spinal surgery, he started chemotherapy. My parents wanted my dad to have immunotherapy as well; however, following my dad's genetic testing, it was determined that the treatment wasn't indicated for his cancer. Nevertheless, my parents did try the immunotherapy towards the end in a Hail Mary attempt to see if it could save him.

8. Toward the end of my dad's life, he was home and continued to go to Sloan Kettering around once a week for infusions of chemotherapy. The treatment always weakened him, and he was miserable. My dad was always a doer, so it was hard to see him reduced to a state where his activities were so limited. In the past, my parents went to the theatre all the time and would go out for dinner. Dad loved to read but was unable to do so toward the end because the chemo took away his concentration. Despite some of these difficulties, I tried to encourage him to go out for dinner with mom and their friends, when he could. He usually would be too tired and would just stay home. Sadly, I remember urging my dad to try to remain active, saying "you're not dying right now," but he just didn't have the strength to do anything.

9. Thinking about my dad's condition became all-consuming for my family and me. It was a horrible experience. It was very difficult to concentrate on anything else at the time, and some days I just felt powerless to help dad more, only knowing that the end was near. This was a sad time and it made me think about all the times when I wish I could have said or done something different in the past than what was done. Toward the end, it was just difficult being around dad, watching him be in so much pain. At the time, I pretty much was staying with my parents most days. I really just wanted to spend as much time with dad as possible. On a particularly scary occasion, they thought my dad might have had a mini stroke. I remember being at work in the city at the time and he was at the Sloan Kettering in Westchester receiving a radiation treatment for the cancer that spread to his brain, when he needed to be picked up by ambulance to the hospital. After arriving in the ER, we decided to transfer him to Sloan Kettering's so that his cancer could be monitored even more closely. My dad stayed in the hospital a few days after that event. I didn't quite realize what was going on at the time because I was in a little bit of denial and hoping, irrationally, that we could do more to keep him alive. I

felt shocked when my dad's doctor pulled me aside and explained that my dad only had a few weeks left to live. I think that the doctor was just trying to shake a little reality into me. He turned out to be correct since my dad quickly took a turn for the worse. My mom ended up setting up hospice in her home, which was only for about a week. It was awful. The hospice became necessary after my dad had more difficulty walking. At one point, things were so difficult for him that, even after he went to the restroom, he couldn't get up off the toilet, and I remember my mom screaming because she didn't have the strength to pull his weight. It was just terrible.

10. My dad was really instrumental in keeping the family together. With him gone, my family remains very close, but the dynamic is a bit different, creating a stressful situation for my mother at times. For example, in the rare event of an argument between my sisters, my mom may feel burdened to deal with it, whereas my dad had a way of tempering things and keeping things more peaceful. It's been really hard for all of us without dad, in part, because he really disliked argument and had a good sense of when he should step in.

11. My dad was a healthy guy who took care of himself and would regularly go to the gym, even in the years leading up to his diagnosis. As a result, it really was quite shocking to see how he just started to fade away. My dad enjoyed life to the fullest, and that's a great thing. However, in the last year, he suffered terribly, and that makes me really sad.

Robin Sherman  
ROBIN SHERMAN

Sworn to before me this  
13 day of July, 2022

[Signature]  
Notary Public

JOSEPH ARCHINA  
Notary Public, State of New York  
No. 01AR6034577  
Qualified in Westchester County  
Exp. Date: 12/13/25

**Jennifer E. Curattalo**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

03-MDL-1570 (GBD)(SN)

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

-----X

SUZZANNE ANDERSON, et al,

**AFFIDAVIT OF**  
**JENNIFER E. CURATTALO**

Plaintiffs,

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X

STATE OF NEW JERSEY )

: SS.:

COUNTY OF MORRIS )

JENNIFER E. CURATTALO, being duly sworn, deposes and says:

1. I am the plaintiff in the within action, am over 18 years of age, and reside at 43 Payson Road, Pequannock Township, New Jersey 07440.
2. I am currently 48 years old, having been born on December 27, 1973.
3. I am the daughter of Michael F. Shipsey, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.
4. My father passed away from lung cancer on May 23, 2015. It had been medically determined that his lung cancer was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.
5. Our whole family has always been close-- my parents, my sister and me, our husbands and kids--even our in-laws got along. We spent holidays together, of course. My dad's big thing was planning big family vacations, especially after they became grandparents. He'd plan cruises or trips to Disneyland. All the family members who could take off from work would go. If we missed one, it wasn't a big deal, there was always another. There were all sorts of fun

family activities. My dad retired, and my parents moved to Florida about three or four years before he was diagnosed with lung cancer. My folks would come back east because that's where all the grandkids were. Fishing trips were something my sons particularly enjoyed doing with my dad. The older is now 19-years old, and the younger one is 13-years old. When my dad died in 2015, they must have been about 12 and 7. They did a lot of stuff with my dad before he got seriously ill.

6. My dad worked for New York City Department of Transportation ("DOT") as a road supervisor for people who had to fulfill community service hours, as part of a criminal sentence. He would take all the community service workers assigned to him out in the van every day and that crew would work on whatever section of the roadways they were required to clean up. He worked primarily in Kew Gardens, Queens. This was his regular job prior to September 11, 2001.

7. Specific to 9/11, DOT asked if he wanted to do overtime work related to the 9/11 clean-up. He drove a truck that transported debris and remains from Ground Zero to the landfills. I think he started a couple of weeks after the attacks and worked random days for about two months in total.

8. It was only by coincidence that they discovered my dad's lung cancer. He was going to get chest x-rays and CT-Scans for a routine procedure. This was December 2011. My parents were in New Jersey for Christmas. The x-ray showed a spot on his lung. That's how the diagnosis evolved. By the time they returned to Florida, in late January 2012, they had made the appointments for all the tests to investigate the spot they found on his lung. A biopsy showed it was malignant. My parents didn't hide anything. From the very beginning, we made decisions as a family about how we were going to approach his treatment. The plan was he would take medication, similar to chemotherapy, for a year, which was meant to prevent the cancer from spreading. The oncologist told us that if there was no spreading after a year, he would have a good prognosis. Right before the one-year mark, he had a seizure. The doctors learned the cancer had spread to his brain. Finding out it had spread was very, very hard. I was kind of in denial at first. But still we decided as a family how to handle it.

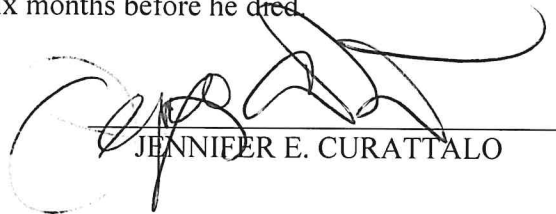
9. It was really challenging with us in New Jersey and then in Florida. For any major appointment or procedure, my sister and I would fly to Florida to be present, go to the doctor or hospital. One if not both of us would plan to go. If something unexpected happened,

like a seizure, my sister and I would scramble and immediately be on a plane to Florida. Whether it was known or unknown, whatever the circumstance; when something happened, my sister or I would go down to be with my parents.

10. Once he started getting really sick, my husband and I made the decision not to let the boys see him anymore. This was maybe 10 months before he died. It was a very hard decision to make, and it was very hard on everyone. The boys wanted to visit him. It was so bad. My dad probably lost half of his body weight. His memory wasn't good. He was unsteady on his feet. I didn't want them to see him that way in the hospital. That wasn't how I wanted them to remember him. The boys were so young.

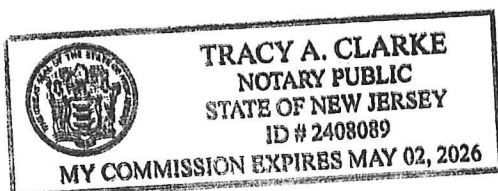
11. One of the last things we did before he got really sick was go on a family cruise to the Caribbean. It was me, my husband, the boys, and my parents, around July 2014. He was probably a little too sick for a trip like that. However, he was determined to do it, so we did it. It was difficult for him to get around on the cruise. He should have been in a wheelchair, but he refused. His participation in activities was very limited. He fell a few times. The trip probably made my dad worse when he got back home. It's one of the last memories my kids have of being with my dad, which was a good thing.

12. My dad loved his family very much. This wasn't the retirement that he had in mind. As most grandparents do, I think he expected to have more time with his grandchildren and his children. He was home for another six months before he died.

  
JENNIFER E. CURATTALO

Sworn to before me this  
5 day of ~~April~~, 2022

may  
Tracy Clarke  
Notary Public



**Eileen Shipsey**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
SUZANNE ANDERSON, et al.,

**AFFIDAVIT OF  
LAUREN A. FISCHER on behalf  
of EILEEN SHIPSEY'S ESTATE**

Plaintiffs,

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X

STATE OF NEW YORK     )  
                                      : SS.:  
COUNTY OF QUEENS     )

LAUREN A. FISCHER on behalf of EILEEN SHIPSEY'S ESTATE, being duly sworn,  
deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 6256 60<sup>th</sup> Drive, Maspeth, New York 11378.
2. I am the daughter of Michael F. Shipsey, upon whose death my claim is based.
3. I am currently 45 years old, having been born on October 31, 1976.
4. My mother, Eileen Shipsey, was also a plaintiff in the within action and was pursuing her own solatium claim based on the illness and death of her husband, Michael F. Shipsey.
5. Eileen passed away on December 16, 2021, subsequent to the commencement of the within action. My family is currently working on having a representative of my mother's estate appointed. In the meantime, I submit this affidavit on behalf of Eileen's estate in

connection with the pending motion for a default judgment and in support of her solatium claim.

6. Eileen's husband, Michael F. Shipsey, passed away from lung cancer on May 23, 2015. It was medically determined that this illness was causally related to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks.

7. My parents, Eileen and Michael, were childhood friends. My dad had three siblings. My mom had four siblings. They all grew up together. Everybody knew each other. My parents were married in 1972. My sister was born in 1973, and I was born in 1976. Through the years, my parents worked, and my dad sometimes worked two jobs. As my parents got older, they became more financially stable and traveled more. My mom retired in 2007, and my dad retired a few years later. They moved to Florida. My parents had an awesome relationship, and they taught my sister and me what a relationship should be like. My dad taught my sister and me how to drive. Our dad did everything. He could fix things, do plumbing, electric, everything. He always wanted to help people.

8. My dad was a commercial truck driver. When I was growing up, he drove gasoline and oil trucks. When he was hired by the Department of Transportation, he used his CDL license to his advantage. That's what led to him working at the World Trade Center after the 9/11 attacks. They needed commercial drivers to transport debris from Manhattan to Staten Island. He was parked as close to the World Trade Center as he could get, as the firemen were loading debris right into the truck. We never thought it would be an issue, or that it was going to make him ill, ten years later. We were all ready and willing for him to work at Ground Zero. Who wouldn't want to lend a hand after this disaster? We were so proud of him. My dad even received a certificate from the NYC Mayor's office for his service. He worked at Ground Zero for about a month, from October 2001 to Thanksgiving 2001.

9. In January 2012, the doctors saw a spot on my dad's lungs in an x-ray. They biopsied a sample, and it came back that he had lung cancer. My mom went to every doctor's appointment with my dad, and she was upset to learn this news. My dad went in for a surgery, and he was in the hospital for a few days. My mom stayed with him in the hospital to care for him. We were told he was going to be fine, and he was prescribed a chemotherapy pill. My mom took care of my dad as best she could.

10. In March 2013, my dad had a seizure. I was actually on the phone with my mom when it happened. About twenty minutes later, she called me back and told me they were going to the hospital. That night at the hospital, my parents learned that the lung cancer had spread to his brain, which caused the seizure. The doctors were able to remove one tumor with the biopsy, but they told us my dad needed radiation for the two remaining brain tumors. My mother looked after him during the radiation, and my dad was still generally fine. He was mobile, and they could travel and do things together.

11. My dad went for another scan toward the end of 2014, which revealed that a whole new set of tumors had grown in his brain. The doctors gave my dad the option of one more round of radiation, but if that didn't work, there was nothing they could do for him. Unfortunately, the radiation didn't work. My dad's health really started to decline, and that's when it got very hard for my mom. My dad got so weak that he would fall, so they couldn't travel anymore. I flew down to Florida every other weekend to help my mother take care of my father. My father had in-home hospice care during the week, but my mom still needed help on the weekends. She needed time to get the grocery shopping done and take some time for herself, because she was looking after my dad 24/7.

12. It was horrible on my mom. She wasn't healthy to begin with; she had a bad heart. My parents were down in Florida by themselves, except for her sister who lived three hours away. Otherwise, they had no one to help them. She couldn't leave the house unless someone else was there with my dad. It was so, so exhausting for my mom to take care of my dad all the time. She cared for him at the expense of her own health. She had no freedom. She sacrificed so much for him. She was also scared that anything would happen to my dad at any moment. Every day for three years, she had to live with my father knowing that he was dying.

13. It was my mom's commitment to take care of my father. She didn't have to do it. She could've walked away but she didn't. My mom did an amazing job through the whole thing, despite her own failing health. I thought that I couldn't love my mom more than I did, but seeing the way she cared for my father, I found even more love for her than I thought possible.

14. The loss of my dad was very hard on my mom. After he died, my mom struggled with grief for the remainder of her life.

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LAUREN A. FISCHER on behalf of  
EILEEN SHIPSEY'S ESTATE

Sworn to before me this  
\_\_\_\_\_ day of July, 2022

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Notary Public

**Joseph G. Simmons**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

03-MDL-1570 (GBD)(SN)

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

-----X

SUZZANNE ANDERSON, et al,

**AFFIDAVIT OF**  
**JOSEPH G. SIMMONS**

Plaintiffs,

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X

STATE OF NEW YORK     )  
                                  : SS.:  
COUNTY OF SUFFOLK    )

JOSEPH G. SIMMONS, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 111 Uncas Street, Nesconset, New York 11767.
2. I am currently 27 years old, having been born on February 13, 1995.
3. I am the son of Martin C. Simmons, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.
4. My father passed away from an asthma-related drowning on July 21, 2008, at the age of 41. It has been medically determined that his asthma-related death was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.

5. I was only 13 years old at the time of my father's death. My dad was very involved in my life, and I miss him every day. Sports plays such a central role in the lives of my family, and my dad was a big part of that. My dad was the head coach of the team when I played baseball, basketball, football, soccer, hockey, and anything else I wanted to try and pick up. For most of my athletic career, I focused on baseball and basketball. He was there for every aspect of athletics. My dad was right there, coaching me on every team on which I played and showed up for every practice. Outside of team sports, my dad encouraged us to stay active on family trips, and we would go skiing all the time. Even though I was young at the time of my father's passing, I understood well that he was a man of high moral values who prioritized taking care of his family. He was incredibly knowledgeable on everything practical, from home repair to personal health. Also, I would visit my dad at the firehouse on many occasions and came to admire his profession a great deal. My dad loved his work and genuinely enjoyed being at the firehouse surrounded by the team of firefighters. He was a leader there and was the person who made sure everyone did their jobs and were properly trained. My father taught me to be kind, to never judge a person, and to accept people for who they are.

6. On September 11, 2001, I was only six and a half years old and have gained a lot of perspective since that time. What started as an ordinary school day turned into one where my classmates and I were all pulled out of school early. Due to our young age, we were not told much information; however, I remember when I returned home, I realized my dad wasn't there. At the time, I didn't know the whole significance of what happened on 9/11 but for sure I know that I didn't see my dad much at all in the months that followed. I recognize that we hear the word "hero" a lot, but there's no question that it absolutely applies to my dad. He's a hero. He's

the kind of person that, if there were more of, the world would be a far better place. There was no requirement for my dad to go into the World Trade Center that day, but he still went without hesitation. The reason he went is because he's such a great human being and because he wanted to help people.

7. My father's asthma and respiratory disease had been progressing in the years before he passed away. During a family vacation, my brothers, cousins, and I were boating on Lake Tahoe. Both my brothers and my two cousins decided they wanted to try to swim to shore. They didn't make it too far, maybe less than 100 feet from the boat. Once Kevin started cramping in the middle of the water, he had trouble swimming and my dad dove in after him. I remember standing on the boat next to my dad, and while I had the same instinct, before I could even blink his shirt was off and he was in the water swimming towards Kevin. And they both started swimming towards shore, which I'll never know why. Sadly, before I knew it, my dad started screaming, help me, I can't breathe, and he started going down. My brother, Ryan, and my two cousins then returned to the boat, and, at that point, there was just a whole lot of screaming and crying until we made it back to shore. Finally, once we were on shore, I was talking with strangers and a whole lot of things happened to try to resuscitate my dad.

8. I think about my dad and his inspiration on a daily basis; his passing away really destroyed me at the time. Undoubtedly, I was a wreck as much as anyone else was at the time. After all, my dad was the man who helped define who I am and, with his passing away, my whole life changed in a second. I felt as though I was on a completely different trajectory and things just changed in a heartbeat. My brothers and I really had to step up and help my mom out

as much as we could. I had people tell me I was the man of the family now, and I knew it was true. The speed at which we took on more serious responsibilities became greatly accelerated.

9. There was a pretty fast transition. Whereas before I would help out around the house occasionally, after my father passed away, I worked to complete as many handyman chores as possible. When something was broken, I was the first one to look at it and fix it. Also, I helped out my brothers with their homework. This was especially the case when my mom would take one of my brothers to a sporting event, and I would stay home and make sure my younger brothers finished their homework. I just tried to be as helpful as possible, any way that I could.

10. There's no question that we were all impacted by the loss of my dad, both emotionally and financially. I give my mother a lot of credit in this regard. While she must have been scared and devastated from our shared loss, she never let us know if there were any hardships or struggles. I'm truly blessed to have such phenomenal parents.

11. My father had a smile that could, and would, light up every room he entered. He was widely admired and respected. This became very clear at his wake. Every day of his wake, there was a line of people wrapped around the building to see him. We extended his wake an extra day just so everyone could pay their respects. Even at that young age, I recognized how special that was. It made me realize immediately that I wanted to be that kind of man and leave that kind of impact.

12. I still love talking about my dad with my mother, his brother, and his friends. I love hearing stories about him and only wish that I could be hearing them directly from him. He taught me a lot but I know there was so much more he wanted to teach me and my brothers. I used to ask my dad's advice on lots of things. Now that he's gone, I'm glad that I can count on

my mom for strong guidance; however, I wish my dad was here too because there are so many things in my life where his opinion would be really helpful. I'm approaching an age where starting my own family is always prevalent on my mind. It pains me to think that my dad will never get to meet my future wife or his grandkids. He would have loved being a grandfather as much as he loved being a father. It saddens me to think he will never get that chance.



JOSEPH G. SIMMONS

Sworn to before me this  
25<sup>th</sup> day of April, 2022



Notary Public

BARBARA TATEO  
Notary Public, State of New York  
No. 01TA4962776  
Qualified in Richmond County  
Commission Expires 06/17/2022

**Judi P. Simmons**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
SUZZANNE ANDERSON, et al,

Plaintiffs,

**AFFIDAVIT OF**  
**JUDI P. SIMMONS**

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF NEW YORK     )  
                                      : SS.:  
COUNTY OF SUFFOLK     )

JUDI P. SIMMONS, being duly sworn, deposes and says:

1. I am the plaintiff in the within action, am over 18 years of age, and reside at 111 Uncas Street, Nesconset, New York 11767.
2. I am currently 55 years old, having been born on November 23, 1966.
3. I am the wife of Martin C. Simmons, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.
4. Martin passed away from an asthma-related drowning on July 21, 2008, at the age of 41. It has been medically determined that his asthma-related death was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.
5. Martin was a wonderful husband as well as an amazing father to our children. As a firefighter, Martin was able to take a lot of time off and was a very active member of our

family. Martin and I loved staying active together. We enjoyed everything from going to the gym to skiing and bicycling around Long Island and on our travels. We had many interests in common, especially exploring the outdoors and remaining physically active. Incredibly, Martin coached all of our three sons in every one of their sports, including, baseball, soccer, lacrosse, football, and basketball. Our shared passion for the outdoors, an active lifestyle, and raising three athletic children made the development of Martin's respiratory ailments, leaving him short of breath after climbing a flight of stairs, all the more distressing.

6. On September 11, 2001, Martin was off duty. He was initially at home playing a Buzz Lightyear video game with my middle son, Kevin, who was four at the time. I had taken my oldest son, who was six, to the bus and then went to CVS because our youngest was not feeling well. When I left the pharmacy, I heard on the radio that the first tower had been struck by a plane. As soon as I told my husband about the attack, he packed his gear up and left for the World Trade Center to lend a hand. In fact, Martin went to his firehouse and arrived at the World Trade Center sometime between the collapse of the first and second towers. Martin kept working and didn't return home until the following Saturday night. His firehouse was missing five of their men, and he was determined to find them. After a brief visit home that Saturday evening, Martin woke up on Sunday and went back to the site through October 31, 2001.

7. He spent very little time at home during those weeks and months. Martin's sole focus was initially for rescue and later to recover any remains that he may be able to bring home to their families. On October 31, they found the first of the five firefighters from his house. In November, the firemen recovered an additional three firefighters from his firehouse. After mourning at the wakes of the remaining firefighters, Martin resumed the routine of being either at the firehouse or the World Trade Center site. In the middle of December, they discovered a

lump in my husband's chest that needed to be removed. After the surgery, Martin was off duty for about four weeks to recover. Following the recovery, Martin returned to the firehouse in mid-January and continued to report to the World Trade Center site for cleanup, through April 2002.

8. When Martin had the surgery to have the lump in his chest removed, I was quite scared. I was relieved to learn that the lump they removed was found to be benign. However, just within a matter of months, Martin was never without a cough, often coughing up black and speckled debris, sometimes covered in blood. Soon afterward, he would have a bronchitis. After experiencing shortness of breath on multiple occasions, Martin consulted with a private physician, who prescribed him an inhaler. In fact, over the years, Martin was prescribed a number of different types of inhalers, including Flovent and Albuterol. As the asthma attacks became more frequent, the inhaler went from emergency use to daily use, even on days when he remained on duty. From 2005 onward, Martin's pulmonary function tests steadily declined. The last medical he had with the department was in August 2007, and he passed away right before his 2008 exam. Sadly, the fire department doctors informed me that the trajectory of his pulmonary function tests indicated that had he survived to the next exam, it probably would have shown that he was no longer fit for duty. Roughly one and a half years prior to his passing, I believe Martin knew that he would not fare well in an active fire and began to have serious anxiety before starting his workday at the firehouse. As a result, in addition to the respiratory disease, Martin began to receive treatment for depression.

9. Tragically, my husband passed away during the first day of a family vacation to visit my sister at her home in Lake Tahoe. The combination of high altitude and low oxygen in the air sent my husband into respiratory failure. We went out on a boat ride on the lake with my sister, her family, and the kids. Martin used the inhaler right before we went out on the boat, and

everything just deteriorated after that. After my son jumped in the lake, my husband went in to swim with him. Unfortunately, the additional exertion, combined with the high altitude, sent Martin into respiratory failure. He told my middle son, Kevin, who was 10 at the time, "I can't swim with you, I'm having trouble breathing." This was said with labored breath. That occurred immediately upon entering the water. Then he lifted himself out of the water and said to all of us, "I can't breathe." My brother-in-law threw my husband a life preserver, but he started trying to swim to shore. My brother-in-law dove in after him, but it was too late. My husband turned onto his back and simply sunk under the water as if a cement block was tied to him. There was no flailing or trying to stay above the water. He just sank. My brother-in-law was able to bring him up to the surface very quickly. There was a minimal amount of time that he was under the water. My husband was brought out of the water as quickly as possible and received emergency care very quickly. He was brought to the beach where they worked on him for 45 minutes but were unable to revive him. His color never improved and there was a blue line of demarcation, both of which are consistent with a respiratory event and not of a drowning.

10. It's hard to have watched anybody have their lives altered where they can't be nearly as active as they once were. It was extremely hard for me to have watch my husband, who I love so dearly, suffer through his respiratory disease. This took a toll on me because I could see how severe Martin's anxiety and depression had grown. After his breathing problems emerged, he became nervous just going to the firehouse, to do a job he always loved, because he didn't know what would happen in the event of a serious fire. It's impossible to put into words how hard it was to know my children watched as their father literally took his last breath and can only begin to express the pain that it caused me. It feels like every piece of your heart shatters.

11. In addition to being a New York City firefighter, my husband also had a second job as a real estate appraiser. Consequently, after Martin passed away, I lost two incomes. When my husband passed away, I was a part-time teacher because my primary role in our family was to be the full-time mom. I was primarily concerned with taking care of the boys, driving them to their afterschool activities, and then being the PTA mom, homework mom, and study mom. All of that changed after my husband passed away. I had to return to work full time. In order to do so, I had to find a way to finish my Master's Degree, while maintaining our home and our children's schedules. Also, for 42 months, I was unsure what was going to happen with my husband's pension because it was under review, and I was unable to collect it right away. Even though he had 21 years of active duty, his paycheck stopped the moment he passed away. Accordingly, I began to work full time immediately. And then, after the first year, I was excessed from my full-time teaching position and returned to part-time. After returning again to part-time work, I was unsure what I was going to do about health insurance. When Martin died, I lost my husband, my best friend, and the father of my sons, but I also lost my handyman, my landscaper, and my pool man. All of a sudden, everything that he took care of and maintained in the house, I now needed to hire people to do. Ultimately, with the loss of the income, uncertainty regarding my health insurance, as well as additional expenses, the financial impact from my husband's passing away was quite significant.

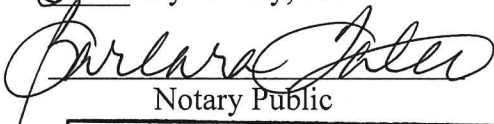
12. The day my husband died, we all lost our future. My husband was not there to teach the boys how to drive. He wasn't there to go to any graduations and when the time comes, he won't be there be able to share in the grandchildren. When Martin passed away, my youngest son was only eight and reminds us of all the time that he wishes he would have been able to learn about his father's life firsthand rather than from other people's memories. My oldest son was 13

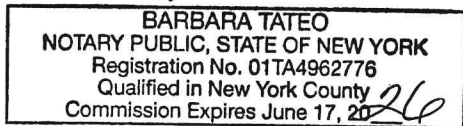
when my husband passed away and should have had his father for those crucial years. Martin was the perfect father and role model. My sons were left with just me to do for them everything a father would. The boys lost out on the wisdom of their father who could have taught them how to mow the lawn, use tools, and change the oil.

13. The sheer number of hours, weeks and months Martin spent providing services around the World Trade Center was a choice that my husband made because he was selfless and did for others. Although my family and I got an extra six and a half years with our husband and father that we wouldn't have had if he had been killed on 9/11, those years also came with a heavy cost – having to watch my husband suffer from severe respiratory disease and, ultimately, death. That is not something I would wish on anyone, especially any child.

  
JUDI P. SIMMONS

Sworn to before me this  
3<sup>rd</sup> day of May, 2022

  
Notary Public



**Kevin W. Simmons**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

03-MDL-1570 (GBD)(SN)

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

-----X  
SUZZANNE ANDERSON, et al,

**AFFIDAVIT OF  
KEVIN W. SIMMONS**

Plaintiffs,

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X

STATE OF NEW YORK )

: SS.:

COUNTY OF SUFFOLK )

KEVIN W. SIMMONS, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 111 Uncas Street, Nesconset, New York 11767.
2. I am currently 24 years old, having been born on November 29, 1997.
3. I am the son of Martin C. Simmons, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.
4. My father passed away from an asthma-related drowning on July 21, 2008, at the age of 41. It has been medically determined that his asthma-related death was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.
5. I was only 10 years old at the time of my father's death. While I was still quite young at the time of my father's passing, he was definitely a role model and had a profound

influence on my life. When he wasn't working at the firehouse, my father was coaching me in baseball and football. Usually, we would practice together in the backyard and have a catch, or if it was the summer, we would go to the field at nearby Andreoli Park to work on hitting and fielding. As a family, dad would often take us out for bowling nights. On other occasions, I remember being in awe when my dad would take me to the firehouse to learn more about his work. What was truly inspiring was seeing the strong camaraderie that my father had with the men in the firehouse. I was very impressed by how everyone interacted. It seemed that they created an atmosphere filled with light-hearted conversations as if they were an extension of his family. He tried to teach me as much about firefighting, sports, and life as possible.

6. At the time of September 11, 2001, I was just a few months shy of turning four years old. Unfortunately, I didn't have the chance to have any detailed conversations with my dad about his personal experience around the World Trade Center. However, I do remember him leaving the house upon hearing the news of the terrorist attacks and then, for the most part, being out of the house for around five to six months after 9/11. As I understand it, when he wasn't around Ground Zero, he was at the firehouse for his regular shifts. Unfortunately, I was so young at the time of 9/11, and was only ten years old at the time of his death, that I wasn't able to have more serious conversations with my dad about such an impactful and tragic moment.

7. As far as I understood, my father was fairly healthy; however, as time went on, I began to notice that he would become short of breath following moderate activity. I recall my dad was very active in coaching sports; nevertheless, while he tried to conceal his respiratory problems, I could tell that he would have trouble breathing upon even minor exertion. For example, during football practice, one of my teammates would be straggling while we ran during practice, and my dad would be short of breath after jogging next to him for a short while.

Slowly, this type of thing started to get worse, and my dad would become less and less active. As far as more formal diagnoses and treatment, I was too young at the time for my dad to discuss it with me; however, I did see him use an inhaler, especially if he had difficulty catching his breath. This was all surprising to me because I never experienced any breathing problems and understood we didn't have any family history of asthma.

8. On the day my father passed away, he suffered from severe respiratory failure. At the time, my family was boating on Lake Tahoe. I jumped into the water for a swim and had some trouble due to cramping. The conditions were super rough and windy, and I started to struggle in the water. My father jumped in to help me. Immediately upon getting into the water, I remember seeing his head pop out of the water and him saying "I can't breathe." From there, I remember my uncle jumping into the water to help him get back to shore. Some of my memories are hidden due to the trauma surrounding these events, but from what I understand, my father needed help getting to shore and received emergency care from EMTs on the beach. The next thing I remember is waking up in the hospital to my mom crying outside my hospital room and telling me that my dad passed away.

9. Some of the things I admired most about my dad was how he always stayed active and worked to help others by serving in the fire department. I felt extremely saddened when I would see my dad struggle with the activities that he used to do with so much ease. It was difficult to see someone that I looked up to as the strongest person I know not only struggle with ordinary things like coaching, but also with his work as a firefighter. It made me worry if he would actually be okay. The moment my dad came into the water and told me he couldn't breathe, I felt so worried that I might lose him because the sound of his voice wasn't just a cry for help. I could actually hear how scared he was in that moment as he struggled for air. It is

definitely something you never forget and something that I have painfully replayed in my mind many times. Seeing someone I love so much fight for his last breath is something that still has a tremendous impact on me.


10. In addition to the immeasurable emotional impact, my father's loss resulted in financial hardships for my family as well. Again, I was young at the time, so my mother didn't burden me with the specifics. I do know, however, that she had to return to work full-time. In addition, since it was impossible to work full-time and transport my brothers and me to sports practice at multiple locations, she had to hire some support to assist with the driving. There was also the added expense of contractors to perform handywork around the house and landscapers to mow the lawn, things my dad would always take care of. This was particularly hard on my mom, who not only worked extra hard while mourning my dad, but clearly made personal sacrifices to give my brothers and me the best life possible.

11. My dad never wanted us to see him struggle with respiratory disease and didn't want to burden us with his pain. Unfortunately, his condition became so severe that it became impossible to hide. While I am saddened by thinking about my dad's respiratory disease, I will always remember him as someone who was filled with compassion, who loved his family with all his heart, and served as a firefighter for over twenty years, including heroically returning to Ground Zero on 9/11 as the second tower collapsed.

12. Being so young, it was extremely difficult to lose my father. There was so much more he could have taught me and so many things we could have done together. I am forever

grateful for my mom and brothers, but sometimes a boy just needs his dad, and unfortunately, I'll never have that again.

  
\_\_\_\_\_  
KEVIN W. SIMMONS

Sworn to before me this  
3rd day of ~~April~~ <sup>May</sup>, 2022  
  
\_\_\_\_\_  
Notary Public  
BARBARA TATEO  
Notary Public, State of New York  
No. 01TA4962776  
Qualified in Richmond County  
Commission Expires 06/17/2026